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FILED
08 MAY 30 AM 10:25
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

EC

DEPUTY

6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA

9 DANIEL T. BRUMFIELD, M.D., and
DAINA RYCKMAN,

10 Plaintiffs,

11 v.

12 SDPD OFFICER MUNOZ,
13 SDPD OFFICER DAWSON,
14 SDPD OFFICER PIERCE,
15 SDPD OFFICER BOLLIG,
AMERICO A. ALBALA, M.D.,
MICHAEL E. MCMANUS, M.D.,
and DOES 1-20 inclusive,

16 Defendants.

Case No.

'08 CV 0958 WQH NLS

COMPLAINT FOR DAMAGES,
DEMAND FOR JURY TRIAL

18 COME NOW Plaintiffs DANIEL T. BRUMFIELD, M.D. and DAINA RYCKMAN and
19 hereby allege:

20 This lawsuit for money damages is brought pursuant to the provisions of 42 U.S.C. §
21 1983 and pendant state law claims to redress the deprivation under color of statute,
22 ordinance, regulation, custom or usage of rights, privileges, and immunities secured to the
23 Plaintiffs by, inter alia, the Fourth and/or Fourteenth Amendments to the Constitution of the
24 United States and/or arising under the law and statutes of the State of California.

25 JURISDICTION

26 1. Federal jurisdiction for the first four claims for relief is founded upon the existence of a
27 federal question, the Civil Rights Act, 42 U.S.C. § 1983 and lies under 28 U.S.C. § 1331.

28 The fifth claim for relief arises under the supplemental jurisdiction of this Court and lies

CR

1 under 28 U.S.C. § 167.

2 **VENUE**

3 2. Venue in the Southern District of California is proper because (1) the acts or
4 omissions which form the basis of the Plaintiffs' claims occurred in this district and (2) the
5 damages to Plaintiffs were experienced in this district.

6 **PARTIES**

7 3. At all times relevant to this complaint, DANIEL T. BRUMFIELD, M.D. ("Dr.
8 BRUMFIELD") was a citizen of the United States residing in San Diego County, California.

9 4. At all times relevant to this complaint, DAINA RYCKMAN ("RYCKMAN") was a citizen
10 of the United States residing in San Diego County, California. She is the adult daughter of
11 Dr. BRUMFIELD.

12 5. At all material times mentioned herein, Defendants SDPD OFFICER MUNOZ
13 (#5600), SDPD OFFICER DAWSON (#6069), SDPD OFFICER PIERCE (#4549), and
14 SDPD BOLLIG (#4565), were duly constituted law enforcement officers charged with
15 administering and maintaining laws in the jurisdiction of the City of San Diego. As San
16 Diego Police Officers, Defendants SDPD OFFICER MUNOZ (#5600), SDPD OFFICER
17 DAWSON (#6069), SDPD OFFICER PIERCE (#4549), and SDPD OFFICER BOLLIG
18 (#4565), were employees or agents of the City of San Diego and in doing the acts
19 hereinafter described acted within the course and scope of their employment.

20 6. The acts of Defendants SDPD OFFICER MUNOZ (#5600), SDPD OFFICER
21 DAWSON (#6069), SDPD OFFICER PIERCE (#4549), and SDPD OFFICER BOLLIG were
22 also done under the color and pretense of the statutes, ordinances, regulations, customs
23 and usages of the State of California and the City of San Diego. Defendants SDPD
24 OFFICER MUNOZ (#5600), SDPD OFFICER DAWSON (#6069), SDPD OFFICER PIERCE
25 (#4549), and SDPD OFFICER BOLLIG are sued individually and in their capacity as peace
26 officers for the City of San Diego. Defendants SDPD OFFICER MUNOZ (#5600), SDPD
27 OFFICER DAWSON (#6069), SDPD OFFICER PIERCE (#4549), and SDPD OFFICER
28 BOLLIG are collectively referred to herein as the "Police Officer Defendants."

1 7. Plaintiffs are informed and believe and therefore allege that at all times mentioned
2 herein Defendant AMERICO A. ALBALA, M.D. ("ALBALA") was a licensed medical doctor.
3 Plaintiffs are informed and believe and therefore allege that ALBALA specializes in the
4 treatment of mental health disorders and is board certified in his specialties.

5 8. Plaintiffs are informed and believe and therefore allege that at all times mentioned
6 herein Defendant MICHAEL E. MCMANUS, M.D. ("McMANUS") was a licensed medical
7 doctor. Plaintiffs are informed and believe and therefore allege that MCMANUS specializes
8 in the treatment of mental health disorders and is board certified in his specialties.

9 9. The true names and capacities, whether individual, corporate, associate or otherwise
10 of Defendants named herein as DOES 1-20 are unknown to Plaintiffs, who therefore sue
11 said Defendants by said fictitious names. Plaintiffs will amend this complaint to show said
12 Defendant's true names and capacities when the same have been ascertained. Plaintiffs
13 are informed and believes and thereon allege that all Defendants sued herein as DOES are
14 in some manner responsible for the acts and injuries alleged herein.

15 10. Prior to the filing of this Complaint and on or about February 5, 2008 Plaintiff
16 BRUMFIELD complied with the requirements of California Civil Code § 364 as it relates to
17 the allegations brought against Defendants AMERICO A. ALBALA, M.D. and MICHAEL E.
18 MCMANUS, M.D.

19 GENERAL ALLEGATIONS

20 11. Dr. DANIEL T. BRUMFIELD is a well known and well respected local psychiatrist who
21 retired some 10 years ago after approximately 40 years of practice, which included, inter
22 alia, several years at County Mental Health (CMH). He and his wife Deanne have lived in
23 San Diego since 1962, where they raised their family and he built his practice. They live on
24 an 8 acre horse ranch located east of Highway 5 and south of Route 56. This area is
25 sparsely populated and is home to several large working/horse ranches, and is frequented
26 by large populations of day laborers and transient workers, many of whom are
27 undocumented aliens.

28 12. According to the ARJIS (Automated Regional Justice Information Systems) CRIME

1 MAPS website) www.sandiego.gov/police/stats), the most common crimes committed in the
2 area of the BRUMFIELD's residence are residential burglary, malicious mischief/vandalism,
3 and theft.

4 13. Due to warnings from several neighbors about suspicious activity in the area, which
5 they took seriously, the BRUMFIELDS had their locks changed in mid-April 2007.

6 14. On or about May 28, 2007 between 2:30 and 3:00 a.m., Dr. BRUMFIELD suffered a
7 hypnogogic episode and awoke believing an intruder was in his home, specifically his
8 bedroom. Mrs. Brumfield called the police for help, reported recent harassment in the area,
9 and explained the general nature of her concerns. Because they were using outdated
10 computer maps which did not reflect that the name of their street had been changed from
11 Shaw Ridge Road to Del Mar Mesa Road 6 or 7 years earlier, the police eventually arrived,
12 investigated and left after finding no evidence of an intruder. The BRUMFIELDS advised the
13 responding officers that they had a firearm in their home for protection. The officers
14 acknowledged this fact and left without taking any action vis a vis either Dr. BRUMFIELD or
15 his weapon(s). This episode was later determined to be a transient hypnogogic
16 hallucination of no clinical significance.

17 15. The next afternoon, on May 28, 2007, while his wife was away running errands, Dr.
18 BRUMFIELD had been exposed to a significant quantity of indoor insect fogger and needed
19 medical assistance. At approximately 3:00 p.m., he called 911 for help.

20 16. Mrs. BRUMFIELD arrived home while her husband was on the telephone with the
21 911 operator. Taking the phone from her husband, she calmly related that, consistent with
22 their call earlier that morning, he believed a stranger had entered their home.

23 17. During the 911 call, when asked if there were any guns in the house, she responded
24 yes there was a gun in their home, just as they had told the officers who responded earlier
25 that morning. She did not report that her mentally ill husband was armed with a gun, just
26 that he had one, she was not afraid that he would hurt him (or anyone else) with it, and that
27 she would see that it was stored away before the police arrived. However, once she saw
28 the police helicopter overhead, and expressed her concern about the police overreaction,

1 the dispatcher told her not to go back inside and direct Dr. BRUMFIELD to leave the toy
2 gun inside. He told her to wait outside for the police.

3 18. Mrs. Brumfield did express a concern there was something physically wrong with her
4 husband and specifically referenced the strong odor of indoor bug fogger. Based upon his
5 behavior she became concerned that Dr. BRUMFIELD had been exposed to a toxic level of
6 indoor insect fogger. This chemical exposure caused what was later diagnosed as a
7 transient episode of delirium with no clinical significance.

8 19. Rather than send medical attention, in a classic case of overreaction, the police
9 department showed up in full force, with 6 squad cars, a canine unit, and a helicopter
10 hovering overhead. (Again, they had some problems locating the residence due to their
11 outdated mapping system, and Mrs. Brumfield had to go down the driveway to direct the
12 police to the correct address). Guns drawn, the helicopter ordered Dr. BRUMFIELD to come
13 out of his house as if he were an armed fugitive. When Dr. BRUMFIELD calmly walked
14 outside to talk to them, Defendants MUNOZ, DAWSON and PIERCE swarmed over him,
15 and despite his protests that he had previously injured his shoulder, they applied clearly
16 excessive force and tore his rotator cuff, requiring surgery. This caused him, his wife, and
17 his daughter to become upset. Most importantly, he was not armed with a gun. The real
18 gun was on top of a dresser in their bedroom; a toy gun remained in the kitchen.

19 20. Curious about the massive police presence which was disrupting her lunch with her 9
20 year old daughter and husband, Ms. RYCKMAN wandered down the driveway with one of
21 her dogs while this incident was underway. Due to the helicopter hovering overhead, she
22 was unable to hear the explanations/commands of the officers to restrain her dog.
23 Concerned about the struggle between her father and the police officers trying to forcibly
24 subdue him, she told the police officers to be careful because her father had previously
25 suffered a heart attack. As a result, Defendants PIERCE and BOLLIG placed her in
26 handcuffs and told her she was under arrest for violating Penal Code § 148 (obstructing a
27 police officer) She was detained in a police car for an unknown period of time before being
28 released. She was not booked or subsequently charged. Her parents both saw her taken

1 into custody when she was doing nothing more than trying to see what on earth was going
2 on.

3 21. Rather than listen to Mrs. BRUMFIELD's explanations (by then she was hysterical
4 due to the behavior of the police) and those of her daughter, and ignoring her request for
5 immediate transport to Scripps Encinitas for a toxicology examination, the police, acting
6 under the authority of Welfare and Institutions Code § 5150, took Dr. BRUMFIELD to
7 County Mental Health (CMH), where he used to work. They refused to allow Mrs.
8 BRUMFIELD to accompany her husband to CMH so that she could provide accurate and
9 complete information about what had occurred and what his symptoms were. When she
10 arrived at CMH with her daughter, she again requested he be medically evaluated and given
11 a toxicology screening. Her requests were ignored.

12 22. Upon arrival at CMH, Dr. BRUMFIELD was deemed unsuitable for treatment there
13 and transported to Aurora Behavioral Health.

14 23. At Aurora, he was initially placed in the care of Defendant McMANUS, who failed to
15 properly investigate the facts which led to his commitment. Specifically, it was reported that
16 Dr. BRUMFIELD had (1) barricaded Mrs. BRUMFIELD in the house; (2) discharged 3
17 cherry bombs inside the home; and (3) discharged a firearm in the house. None of these
18 things happened. None of these facts are in the police reports, but they do appear in the
19 medical records, suggesting the police orally stated these things to medical personnel, but
20 were unwilling to commit them to writing. Moreover, Mrs. BRUMFIELD and other family
21 members advised medical personnel that theses facts were incorrect, but their explanations
22 and statements were ignored.

23 24. Notwithstanding the fact that the admitting diagnosis ruled out (at least as far as Axis
24 I is concerned) delusional disorder, dementia with delusions, and major depressive disorder
25 with psychosis, on May 31, 2008, after the initial 72 hour hold had expired, Defendant
26 McMANUS authorized Dr. BRUMFIELD to be held for an additional 14 days. He certified to
27 the Superior Court that Dr. BRUMFIELD was a danger to others; deemed him gravely
28 disabled as defined by Welfare & Institutions Code § 5008, and stated the "specific facts

1 | which form the basis for our opinion" are "paranoid, delusional marginally demential,
2 | discharged firearms at home, threatening and agitated." These are not facts but rather
3 | unjustified conclusions lacking in either factual or legal support.

4 | 25. At Aurora, Dr. BRUMFIELD received no treatment for either chemical exposure or a
5 | torn rotator cuff.

6 | 26. Once Defendant McMANUS improperly certified that Dr. BRUMFIELD was suitable
7 | for a 14 day hold, he was delivered to the care of Defendant ALBALA.

8 | 27. Defendant ALBALA continued to detain Dr. BRUMFIELD until June 7, 2008, prior to
9 | the expiration of the 14 day hold him when it became apparent he had been misdiagnosed
10 | and was not a danger to himself or others or that he was delusional or suffering from any
11 | other mental illness. Notwithstanding the lack of evidence, Defendant ALBALA concluded in
12 | his discharge diagnosis that Dr. BRUMFIELD was suffering from (on Axis I) "Dementia with
13 | Delusions Features of Unknown Etiology." Had Defendant ALBALA properly investigated
14 | the underlying facts and properly examined, treated and diagnosed Dr. BRUMFIELD, he
15 | would have released Dr. BRUMFIELD immediately.

16 | 28. As part of his discharge plan, Defendant ALBALA prescribed a number of
17 | medications, including Risperdol (an anti-psychotic medication), which Dr. BRUMFIELD
18 | could not safely take due to the fact that he had previously suffered a heart attack. This
19 | particular medication caused a number of side effects, including a persistent rash. Upon
20 | cessation of the Risperdol, the side effects, including the rash, disappeared. Defendant
21 | ALBALA did not properly disclose the risks associated with any of these medications to Dr.
22 | BRUMFIELD's wife, whom Defendant ALBALA relied upon to administer the medications.

23 | 29. Subsequent to his release, Dr. BRUMFIELD was evaluated by Dr. Stephen F. Signer,
24 | M.D. CM, who opined (1) Dr. BRUMFIELD was not suffering from any mental illness and (2)
25 | there was no medical reason why Dr. BRUMFIELD cannot possess a firearm and his doing
26 | so "would not likely result in endangering himself or others."

27 | 30. Subsequent to his release, Dr. BRUMFIELD also had to have his torn rotator cuff
28 | surgically repaired.

FIRST CLAIM FOR RELIEF
42 U.S.C. § 1983
(UNREASONABLE (WARRANTLESS) SEIZURE)
By Plaintiff BRUMFIELD against Defendants MUNOZ, DAWSON and PIERCE

31. Plaintiffs refer to and incorporate by reference all prior paragraphs as though fully set forth herein.

32. In committing the acts alleged herein, Defendants MUNOZ, DAWSON and PIERCE and DOES 1-10 violated, without probable cause, consent, exigent circumstances or other defense, Plaintiff's clearly established constitutional right under the Fourth Amendment to the United States Constitution to be secure in his person from unreasonable government intrusion, including an unreasonable seizure, to wit, a warrantless detention and arrest. These rights were clearly established at the time. For these reasons, Plaintiff is entitled to recover damages pursuant to Title 42 U.S.C. §1983, et seq.

33. A reasonably prudent officer would have known that Plaintiff was not subject to either arrest, detention, or a mental health commitment pursuant to California Welfare & Institutions Code § 5150.

34. By reason of the acts alleged above, Plaintiff did sustain great emotional distress and shock and injury to his person and nervous system, all to Plaintiff's damages in an amount to be proven at trial.

35. As a direct and proximate result of the acts and omissions alleged herein, Plaintiff is entitled to general and special damages from Defendants MUNOZ, DAWSON and PIERCE and DOES 1-10 in an amount to be proven at trial.

36. In doing the acts alleged herein Defendants MUNOZ, DAWSON and PIERCE and DOES 1-10 acted maliciously and with reckless and callous disregard for the rights and feelings of Plaintiff and by reason thereof Plaintiff demands exemplary and punitive damages in an amount to be proven at trial.

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SECOND CLAIM FOR RELIEF
42 U.S.C. § 1983
(UNREASONABLE SEIZURE: EXCESSIVE FORCE)
By Plaintiff BRUMFIELD against Defendants MUNOZ, DAWSON and PIERCE

37. Plaintiffs refer to and incorporate by reference all prior paragraphs as though fully set forth herein.

38. In committing the acts alleged herein, Defendants MUNOZ, DAWSON and PIERCE and DOES 1-10 violated, without any defense, Plaintiff's clearly established constitutional right under the Fourth Amendment to the United States Constitution to be secure in his person from the use of unreasonable and excessive force, in that the force applied to arrest/detain Plaintiff was in contravention of constitutional and statutory duty, was in excess of any force required to address the circumstances, was grossly out of proportion to any need for force, was not employed in good faith, and was intended and substantially certain to cause serious bodily injury. These rights were clearly established at the time. For these reasons, Plaintiff is entitled to recover damages pursuant to Title 42 U.S.C. §1983, et seq.

39. A reasonably prudent officer would have known that Plaintiff was not subject to excessive force.

40. By reason of the acts alleged above, Plaintiff did sustain great emotional distress and shock and injury to his person and nervous system, all to Plaintiff's damages in an amount to be proven at trial.

41. As a direct and proximate result of the acts and omissions alleged herein, Plaintiff is entitled to general and special damages from Defendants MUNOZ, DAWSON and PIERCE and DOES 1-10 in an amount to be proven at trial.

42. In doing the acts alleged herein Defendants MUNOZ, DAWSON and PIERCE and DOES 1-10 acted maliciously and with reckless and callous disregard for the rights and feelings of Plaintiff and by reason thereof Plaintiff demands exemplary and punitive damages in an amount to be proven at trial.

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THIRD CLAIM FOR RELIEF
42 U.S.C. § 1983
(UNREASONABLE (WARRANTLESS) SEIZURE)
By Plaintiff DAINA RYCKMAN against Defendants PIERCE and BOLLIG

43. Plaintiffs refer to and incorporate by reference all prior paragraphs as though fully set forth herein.

44. In committing the acts alleged herein, Defendants PIERCE and BOLLIG and DOES 1-10 violated, without probable cause, consent, exigent circumstances or other defense, Plaintiff's clearly established constitutional right under the Fourth Amendment to the United States Constitution to be secure in her person from unreasonable government intrusion, including an unreasonable seizure, to wit, a warrantless detention and arrest. These rights were clearly established at the time. For these reasons, Plaintiff is entitled to recover damages pursuant to Title 42 U.S.C. §1983, et seq.

45. A reasonably prudent officer would have known that Plaintiff was not subject to arrest or detention.

46. By reason of the acts alleged above, Plaintiff did sustain great emotional distress and shock and injury to her person and nervous system, all to Plaintiff's damages in an amount to be proven at trial.

47. As a direct and proximate result of the acts and omissions alleged herein, Plaintiff is entitled to general and special damages from Defendants PIERCE and BOLLIG and DOES 1-10 in an amount to be proven at trial.

48. In doing the acts alleged herein Defendants PIERCE and BOLLIG and DOES 1-10 acted maliciously and with reckless and callous disregard for the rights and feelings of Plaintiff and by reason thereof Plaintiff demands exemplary and punitive damages in an amount to be proven at trial.

FOURTH CLAIM FOR RELIEF
42 U.S.C. § 1983
(UNREASONABLE SEIZURE: EXCESSIVE FORCE)
By Plaintiff DAINA RYCKMAN against Defendants PIERCE and BOLLIG

49. Plaintiffs refer to and incorporate by reference all prior paragraphs as though fully set forth herein.

1 50. In committing the acts alleged herein, Defendants PIERCE and BOLLIG and DOES
 2 1-10 violated, without any defense, Plaintiff's clearly established constitutional right under
 3 the Fourth Amendment to the United States Constitution to be secure in her person from the
 4 use of unreasonable and excessive force, in that the force applied to arrest/detain Plaintiff
 5 was in contravention of constitutional and statutory duty, was in excess of any force required
 6 to address the circumstances, was grossly out of proportion to any need for force, was not
 7 employed in good faith, and was intended and substantially certain to cause serious bodily
 8 injury. These rights were clearly established at the time. For these reasons, Plaintiff is
 9 entitled to recover damages pursuant to Title 42 U.S.C. §1983, et seq.

10 51. A reasonably prudent officer would have known that Plaintiff was not subject to
 11 excessive force.

12 52. By reason of the acts alleged above, Plaintiff did sustain great emotional distress and
 13 shock and injury to her person and nervous system, all to Plaintiff's damages in an amount
 14 to be proven at trial.

15 53. As a direct and proximate result of the acts and omissions alleged herein, Plaintiff is
 16 entitled to general and special damages from Defendants PIERCE and BOLLIG and DOES
 17 1-10 in an amount to be proven at trial.

18 54. In doing the acts alleged herein Defendants PIERCE and BOLLIG and DOES 1-10
 19 acted maliciously and with reckless and callous disregard for the rights and feelings of
 20 Plaintiff and by reason thereof Plaintiff demands exemplary and punitive damages in an
 21 amount to be proven at trial.

22 **FIFTH CLAIM FOR RELIEF**
 23 **Professional Negligence - Medical Malpractice**
 24 **By Plaintiff BRUMFIELD against Defendants ALBALA and McMANUS only**

25 55. Plaintiffs refer to and incorporate by reference all prior paragraphs as though fully set
 26 forth herein.

27 56. As previously mentioned, Defendants ALBALA and McMANUS and DOES 11-20 are
 28 and at all times relevant hereto were physicians duly licensed to practice medicine in the
 State of California and doing business in the County of San Diego. Specifically, Plaintiffs

1 are informed and believe and therefore allege that both specialize in the treatment of mental
2 health disorders and are board certified in their specialties.

3 57. Defendants ALBALA and McMANUS and DOES 11-20 undertook the care and
4 treatment of Dr. BRUMFIELD and rendered professional services in the diagnosis, care and
5 treatment of Dr. BRUMFIELD as alleged herein.

6 58. At alleged herein, Defendants ALBALA and McMANUS and DOES 11-20 failed to
7 exercise the proper degree of knowledge and skill and so negligently treated, provided care,
8 monitoring, examination, and other professional services in that, among other things, they
9 failed to adequately and properly diagnose and treat Dr. BRUMFIELD, resulting in his
10 unlawful and unjustified (continued) imprisonment in a mental health facility.

11 59. As a direct, proximate and foreseeable result of Defendants ALBALA and McMANUS
12 and DOES 11-20's breach of their duty of care, Dr. BRUMFIELD suffered legal damages in
13 an amount according to proof at the time of trial.

14 PRAYER FOR RELIEF

15 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

- 16 1. For general and compensatory damages against Defendants and each of them in an
17 amount to be proven at trial;
- 18 2. For exemplary and punitive damages against Defendants MUNOZ, DAWSON,
19 PIERCE and BOLLIG in an amount to be proven at trial to the extent allowable by law;
- 20 3. For costs of suit herein, including reasonable attorneys fees pursuant to 42 U.S.C. §
21 1988; and
- 22 4. For such other and further relief as the Court deems proper.

23 DEMAND FOR JURY TRIAL

24 Plaintiffs hereby demand a jury trial on all causes of action.

25
26 Dated: May 30, 2008

Respectfully Submitted,



KEITH H. RUTMAN

Attorney for Plaintiffs

Email: krutman@krutmanlaw.com

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DANIEL T. BRUMFIELD, M.D. and DAINA RYCKMAN

(b) County of Residence of First Listed Plaintiff SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Keith H. Rutman, 402 W. Broadway, Suite 2010 San Diego, CA.
92101-8516; (619) 237-9072

DEFENDANTS

SDPD OFFICER MUNOZ, SDPD OFFICER DAWSON,
SDPD OFFICER PIERCE, SDPD OFFICER BOLLIG,

County of Residence of First Listed Defendant SAN DIEGO
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

DEPUTY
Attorneys (If Known)

08 CV 0958 WQH NLS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
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V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC SECTION 1983

Brief description of cause:
WARRANTLESS SEIZURE, UNREASONABLE SEIZURE/EXCESSIVE FORCE, MEDICAL

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5/30/08

SIGNATURE OF ATTORNEY OF RECORD

Keith H. Rutman, Esq.

FOR OFFICE USE ONLY

RECEIPT #

151379

AMOUNT

350.

APPLYING IFP

JUDGE

MAG. JUDGE

5/30/08

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

151379 - SR

**May 30, 2008
10:38:09**

Civ Fil Non-Pris

USAO #.: 08CV0958

Judge.: WILLIAM Q HAYES

Amount.: \$350.00 CK

Check#.: BC#69199

Total-> \$350.00

FROM: BRUMFIELD V. SDPD OFFICER ET A
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